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U.S. DISTRICT COURT E.D.N.Y.
★ JUL 13 2011 ★
BROOKLYN OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EVELYN PENA,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

ORDER

08-CV-3304 (NGG) (JO)

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NICHOLAS G. GARAUFIS, United States District Judge.

On October 22, 2010, the court vacated the Commissioner's determination that Plaintiff was not entitled to benefits under the Social Security Act and remanded proceedings to the Commissioner for further development of the evidence under sentence four of 42 U.S.C. § 405(g). (Docket Entry # 26.) On January 19, 2011, Plaintiff moved for attorneys' fees under the Equal Access to Justice Act, 28 U.S.C § 2412. (Docket Entry # 28.) The same day, the court referred the motion to Magistrate Judge James Orenstein for a Report and Recommendation ("R&R") pursuant to 28 U.S.C. § 636(b)(1)(B). (Docket Entry Jan. 19, 2011.) On June 22, 2011, Judge Orenstein recommended that the court award Plaintiff \$4,804.48 in attorneys' fees, and deny her request for costs because Plaintiff was granted in-forma-pauperis status. (R&R (Docket Entry # 31).) No party has objected to Judge Orenstein's R&R, and the time to do so has passed. See Fed. R. Civ. P. 72(b)(2). Having reviewed Judge Orenstein's R&R, the court adopts it in its entirety. See Porter v. Potter, 219 F. App'x 112 (2d Cir. 2007). Accordingly, the court AWARDs Plaintiff \$4,804.48 in attorneys' fees, and DENIES her request for costs.

SO ORDERED.

Dated: Brooklyn, New York
July 12, 2011

s/Nicholas G. Garaufis

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NICHOLAS G. GARAUFIS~~
United States District Judge